

Meeting of 1997-8-26 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 26, 1997 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor Also Present:
Presiding Gil Schumpert, City Manager
 Felix Cruz, City Attorney
 Brenda Smith, City Clerk

The meeting was called to order at 6:00 p.m. with invocation by Pastor Bob Harrison, Sullivan Village Church of Christ, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

PRESENT: Jody Maples, Ward One
 Richard Williams, Ward Two
 Jeff Sadler, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Charles Beller, Ward Six
 Carol Green, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO JESSIE MCKINNEY, SOLID WASTE DIVISION,
PUBLIC WORKS/ENGINEERING DEPARTMENT

Mayor Marley said Mr. McKinney works in Solid Waste and is still out on the route due to a recent storm. He said Mr. McKinney graduated from Lawton High in 1988, began working for the City in July 1990 as a sanitation worker, and was promoted in October 1996 to sanitation operator. McKinney was nominated because of his willingness to help citizens and because he keeps his truck the cleanest of all drivers which makes it easy to service. Mayor Marley said the award could be presented at a later date if so desired.

CONSIDER MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF AUGUST 12, 1997.

MOVED by Shanklin, SECOND by Green, to approve the Minutes. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Bill Kennard, 7102 NW Compass, made the following statements which are inserted verbatim:

"I wish to read into the record the trust indenture which is filed in the court house in Book 717, Page 215, and I'm talking about Article 7 which says "Beneficiary of the trustees, the beneficiary of this trust shall be the City of Lawton, Comanche County, a body politic, under the first pursuant to Title 60 of Oklahoma Statutes 1961 Sections 160, 176 to 180, both inclusive and other statutes of the State of Oklahoma. Trustor now declares that this trust indenture shall be irrevocable from the moment it is signed and delivered to the trustees that it shall thereafter stand without any power whatsoever at any time to be altered, amended, revised, modified, revoked or terminated any of the provisions of this trust indenture. This is the basic one of 1968. Section Two, the beneficiary shall have legal title, claim and right to the trust estate, its income or any part thereof or its demand or its require any petition or distribution thereof, neither shall the beneficiary have any authority, power or right whatsoever to transact any business for or on behalf or binding upon the trustees or upon the trust estate, nor the right to control or direct the actions of the trustees. The beneficiary shall be entitled solely to the benefits of the trust as administered by the trustees hereunder and termination of the trust as provided herein and hereafter, and then only the beneficiary shall receive the residue of the trust estate. This trust is irrevocable and was amended in 1988

solely but it wont stand and I want to read one other document.

In the trust agreement in Article 5, Item 14, Page 8, that it will adjust the rents, rates, fees, charges and services supplied by and the use of the facilities of the trust estate to reflect uniform changes in such rates, fees, charges, requested from time to time by ordinance of the governing body of the City provided that such adjustments and changes in such rents, rates, fees and charges do not in any way impair the ability of the trustees to fully, to comply fully with all the covenants and lease agreements of this bond indenture.

Now, Ive read it and I say that your amendment of 1988 is no good and youve been spending money out of the sewer and refuse money since 1988 to support this City budget and youve broken many covenants in here, not only this Council, but the Council before you. I have not seen ten council member, not one councilman have I ever seen that had read these entire documents, and youre successors to them. And I dont want nobody to get in trouble but if they inventory back to 88 they may find something but Im not out after any heads but I would like to have this straightened out. The Water Authority is not, its the only authority thats not being looked after in this town. And, if theres any questions, are you performing under, no, I dont think you are. Thank you very much." (end verbatim)

Ruth Craig, 403 NW 29th Street, requested repair work at the Northside Nutrition Center, King Center, at 20th and Taylor as far as drainage by the handicapped parking spaces. She suggested drain pipes could be installed to prevent water from standing and asked that something be done before winter when the water would freeze and someone could possibly be injured as a result.

UNFINISHED BUSINESS:

1. Consider adopting an ordinance amending Section 10-1001, Lawton City Code, 1995, as enacted by Ordinance No. 97-31, amending the requirements for engineering inspection fees for public works improvements, and declaring an emergency. EXHIBITS: ORDINANCE NO. 97-41.

Jerry Ihler, Public Works/Engineering Director, said the item was discussed at the last meeting. Council requested three issues be addressed, one being how many payments the developer or owner would make as far as the inspection fees. Previously developers could pay a fee for water, then sewer, etc.; the amendment provides for one payment only for the entire project. The second issue was when payment would be made. Previously, payment was required prior to construction; the amendment provides that the payment be made prior to acceptance of the improvements by City Council. The third issue was who was grandfathered and does not have to pay the fees. A list of active subdivisions was included in the agenda packet; anyone who has been previously inspected or is currently under inspection as of this date is grandfathered in and will not have to pay any of the fees. Any future construction that has not had any inspection would pay the fee.

Purcell said staff had done a good job on the item. He said the two that will not have to pay the fees because they were under inspection prior to the ordinance going into effect are Sungate Part 9 and Wyatt Acres Part 11, and that should be in the record.

MOVED by Purcell, SECOND by Warren, to adopt Ordinance No. 97-41, waive the reading of the ordinance, read the title only, and declare an emergency.

(Title read by Clerk) ORDINANCE NO. 97-41

AN ORDINANCE RELATING TO INSPECTION FEES, AMENDING SECTION 10-1001, CHAPTER 10, LAWTON CITY CODE, 1995, AS ENACTED BY ORDINANCE 97-31 PROVIDING FOR ENGINEERING INSPECTION FEES FOR PUBLIC WORKS IMPROVEMENT, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

2. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, amending Section 10-1001 relating to engineering inspection fees as enacted by Resolution No. 97-80 and establishing an effective date. EXHIBITS: RESOLUTION NO. 97-103.

Schumpert said the word "estimated" was removed. Ihler said an estimate would not be required because the actual cost will be known when the fee is paid.

MOVED by Williams, SECOND by Green, to adopt Resolution No. 97-103. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-103

A RESOLUTION AMENDING APPENDIX A, SCHEDULE OF FEES AND CHARGES, LAWTON CITY CODE, 1995, AMENDING THE ENGINEERING INSPECTION FEES AS ESTABLISHED BY RESOLUTION 97-80 AND ESTABLISHING AN EFFECTIVE DATE.

3. Consider adopting an ordinance amending Section 20-101, Lawton City Code, 1995, relating to obstructions on easements, and declaring an emergency. EXHIBITS: ORDINANCE NO. 97-____.

Schumpert said based on Council direction, a meeting was held with the affected utility companies, and that he had spoken with Mr. Drewry from Lawton Cablevision who submitted a letter explaining his position. He said the consensus from the meeting was to recommend that the ordinance remain as it is written, or in an effort to offer a compromise, there was agreement to the ordinance contained in the agenda packet, which takes the language from Chapter 18 and places it in Chapter 20 so the Code is consistent throughout. Schumpert said the utility companies would like clear, unobstructed access to all the easements, however, the ordinance in the packet (ordinance B) is a compromise they can work with.

Warren said three issues should be looked at, the rights of the homeowner to the use of that property, access for the utility companies, and safety. He said if we can give the property owner the right to use that property at his own risk and he can construct a fence or a wall and a utility company or the City needs to get in there and destroy it, that would be at the owners risk under the ordinance previously proposed (ordinance A). Warren said the utility companies want access, and they would have that access under that ordinance. He said as far as safety, an issue was brought up by ARKLA Gas over concern from leakage from their pipes being contained in a structure built over them, and that he would be willing to add language to ordinance A that would prevent any structure, as defined in the ordinance, to be built on top of that line, not necessarily prohibit it from the easement, but prohibit it from being built on top of that line.

Warren said the ordinance in the agenda packet appears to be the same as before, except the reference to the trees and bushes was removed. He said he felt the homeowners should have the ability to use that property and if they want to make the decision to build something, a bird bath or whatever, then that should be their choice and they make it full well knowing that if a utility company needs in there, it would be destroyed and it would be at the homeowners risk. Warren suggested passing ordinance A with the wording to include the utility companies rights not be diminished as far as access to the easements, include the franchise holders in the right to remove obstructions, and add a clause prohibiting building on top of an ARKLA gas line.

MOVED by Warren, to adopt the ordinance with the stipulations stated. Motion died for lack of second.

Shanklin said the cable and phone lines are not as volatile as gas or electric lines, and perhaps more access should be granted on easements that do not contain gas or electric lines. He said he felt any time a person encroaches on an easement that it should be noted in the abstract so future buyers would have the knowledge of what they are buying. Shanklin said he understood ARKLAs position but that there are obstructions now over gas lines, and that many easements are difficult to access. He said he understood the situation that brought this up was a lot in Grayson Mountain and that the easement did not contain any gas or electric lines, and if that is the case, he could not see the problem and perhaps each should be handled on its own merits. Shanklin said not everyone will want to build in the easement, although many are cross fenced now.

Warren said his property contains a six foot easement, which is not a problem, but the newer additions contain easements with 20 to 25 feet behind them. He said he had no problem saying you cannot build on top of a line, but that he had a problem saying you cannot build in that 25 foot section because that is a lot of a yard. Warren asked if such items would appear on a title opinion when property is sold. Cruz said he visited with several local title opinion attorneys and was informed that when they review title opinions, they do not look for easement obstructions, although some lenders require a survey and if the survey shows an obstruction, then they would not render the opinion, but not all of them.

Beller said he would not be as excited about someone building a bird bath as he would about a \$30,000 gazebo and bath house being built on an easement. He said Code Administration employees told him 10-12 people apply weekly for permits to build on easements and they are turned for justifiable cause. Beller said he looked at the property that prompted the discussion, and there was a tremendous amount of building on the easement; the man was told to stop construction and he continued anyway. He said initially, he thought it should be permitted, but if there are gas lines or utilities and that he had been told there are gas lines in this easement and cable vision, and there should be no obstruction in the drainage easement at all but jutting out to the pond or drainage easement are peers and it is a beautiful place, but it does not seem right to tell these men they can do it and not tell everybody who came in for a permit that they cannot. He said the Corporation Commission letter to ARKLA says to operate, maintain and repair their pipe line, they must meet certain federal requirements and if they cannot get into those lines, he did not know how you could accomplish not allowing someone to build over a gas line if you allow obstruction of the easement.

Purcell said ordinance B appeared to be better than the existing ordinance and asked the utility companies representatives to address that issue. He said ordinance B states that wooden or wire fences can be built, and everyone has already done that.

Ihler said ordinance B would provide more strength with regard to liability and it is not different from the existing ordinance. Purcell said it spells it out a little better and Ihler agreed. Purcell said he did not understand why the utilities preferred to leave it as written instead of adopting ordinance B. Schumpert said part of it may be a fear that if it says fences, maybe we should add other things, but by leaving it alone, everyone understands where we are. Schumpert said the language already exists in Chapter 18 and this would make the Code consistent.

Warren asked if the easement on the back of his property is owned by him and Cruz said yes. Warren asked if the City owns an easement or has an easement. Cruz said the City has the easement, the right to the use, and the homeowner owns it but has limited use of it. Warren said the letter from PSO states the existing ordinance provides protection from unrestrained encroachment upon public ways, right of ways, streets, alleys, sidewalks and easements owned by and/or dedicated to the City. Warren said an easement is getting included into the same realm as a right of way and it seems we want to treat the easements as right of ways but not mow or take care of them. Cruz said easements and right of ways are similar but with the distinction that a right of way indicates a right of passage, either a trail to walk through or passage for vehicles, and that is a fine distinction between a right of way and easement.

Shanklin asked if the City is responsible for maintaining an easement. Cruz said the City holds fee simple title to some right of ways where the City totally owns the property; some right of ways on East Gore are owned by the City in fee simple. Schumpert said there are some right of ways the City owns and maintains, and others are not. Warren asked if the City owns the alleys the trash trucks drive down or if they are the responsibility of the citizens. Schumpert said some we do and some we do not. Cruz said it depends on the plat dedication.

Warren said the City and utility companies wanted them all treated equal where complete and total access is granted and to be able to tell the homeowner what he can and cannot do but the homeowner has to take care of that easement. He said the new plats show 20-25 foot easements and the homeowners are being told they can do nothing there but put up a fence.

Schumpert said if you encroach on a right of way, you will be told to remove whatever is there, if it is found. He said on easements, there must be access from time to time, however, you can still do things with the property. Schumpert said his whole back yard is an easement and a portion of his garage is sitting on the easement. If it were a right of way, he would have no back yard. He can use the yard and do things in that area but if the phone line breaks, they dig up the yard and put a pedestal in the middle, which they did, and he can put a shrub around it, but they have the right to put the pedestal in. Schumpert said for the ability to receive the service, he grants them a limited use of his property when there is a problem. He said there is open access to a right of way.

Warren said a 3 x 3 brick barbeque could not be built in the back yard if it is designated as easement and Schumpert agreed. Warren said even though you are not within five foot of a utility line of any kind, you cannot build a barbeque.

MOVED by Beller, SECOND by Green, to adopt Ordinance No. 97-42 as ordinance B, which is attached, to be more in compliance with what we are trying to accomplish.

Shanklin said he thought this was too involved to be passed tonight and suggested it be tabled for a workshop for discussion. He said he would like to see maps and have ARKLA and PSO explain their problems.

SUBSTITUTE MOTION by Shanklin, SECOND by Warren, to table this to set up a workshop. AYE: Shanklin, Warren, Maples. NAY: Beller, Green, Sadler, Purcell. ABSTAIN: Williams. SUBSTITUTE MOTION FAILED.

Purcell asked utility company representatives to explain why they preferred to leave the ordinance as it is written as compared to adopting ordinance B. Ihler said ordinance B was not written at the time the meeting was held with the utility companies.

Bob Milner, PSO, agreed with Ihler and urged passage of ordinance B. Brett Hubbard, ARKLA, said he agreed ordinance B was something they could live with but was not available when they met.

Sadler said he understood the homes with the docks and peers had received 11 tickets, two last week, and asked what would be done about that. He asked if ordinance B would affect people who have game rooms or fountains or if they would continue to receive tickets weekly. Sadler said he did not support telling people to tear down improvements because it is wasteful, although it may not have been built there properly. He said he could not see telling someone to destroy something if there was not a need for that to immediately happen.

Schumpert said staff position is that there is a need to tear it down as regards to the individual who did not get a building permit, and when they were advised they needed a building permit, they were told they could not have one at that location so they decided to build without it, so they are not only in violation of building in the wrong place but are in violation of not having a building permit. He said the Code is clear that the structure should be removed and they had ample opportunity and knowledge that they were doing something illegal. Schumpert said the

improvement was not built at the time they were advised that it is not in accordance with the ordinance.

Maples asked if ordinance B would fix that. Schumpert said no, ordinance B makes Chapters 18 and 20 read the same. Sadler asked if staff goes out daily or weekly and writes a ticket. Schumpert said usually the Municipal Judge considers it harassment to write a ticket daily in a continuing situation so we go out once a week to see if the condition still exists, and if it does, we write a ticket.

Shanklin said he felt a workshop was needed because people have built in easements all over town and the City does not even know about them. He said a lot of people would be affected and they may or may not be over a gas or electric line. Shanklin said if it is just phone or cable, he could not see such a strict regulation.

SUBSTITUTE MOTION by Maples, to leave the ordinance as it is at this point in time and if we need to come back later and study it, we can do that. Substitute motion died for lack of second.

Beller asked about all the other structures that violate the ordinance by being located on the easements and how there would be equal enforcement throughout the City. Schumpert said this specific instance has been going on for several months and the person has been getting tickets all along, and nothing would change on what we are doing. Schumpert said as far as selective enforcement, the City cannot afford to hire enough inspectors to go through the city and check every code violation. Schumpert said he hoped the ordinance was such that if something is not offensive to the neighborhood, then even though it may be in violation of the code, if it is not offensive to the neighborhood, then it is not offensive to us, and what we mean by that is that if someone in the neighborhood is bothered by a condition and they report it and we send an inspector to determine if there is a violation, and if there is, we cite the individual. He said it is technically not a violation until the inspector makes the inspection so we rely on the individuals in the community to report things which they believe are things that cause them problems, if it does not cause them problems, it does not cause us problems.

Shanklin asked if that applies whether something is in the easement or not. Schumpert said yes, and most of the easement problems are related when City crews, or utility company crews, have to do work in an area and find encroachments, and at that time, we attempt to clean that up.

Schumpert said two years ago there was a similar situation in another part of town and Council compromised by saying everything that is in existence now will remain and we will tell everyone that as of this date, no more. He said that was what was done but now it is a year or so later and we want to leap ahead and say now no more, but the line was drawn and we want to stay with it, and as violations are found, we will take action. Schumpert said there is not selective enforcement; when a condition is reported, we attempt to get it fixed, and in many cases people are unaware, remove it, and it is not a big thing, but in some cases, people chose not comply and they go before the judge.

Warren said he agreed we do not intentionally create a situation where there is selective enforcement. He said his question would be when the whole thing started with this person and he was given a ticket, did we at that time give tickets to his neighbors. Schumpert said he did not know and the code person present indicated we did not. Warren asked if we have since that time given a ticket to the neighbors. Woommavovah said there have been no complaints about the neighbors. Warren asked if tickets had been issued to any neighbors and Woommavovah said no.

Beller asked if this ordinance is enacted, will the ordinance of two years ago still be enforced, or do we go back to the date it was passed, or if this covers any encroachment on an easement regardless of the date it was put there. Schumpert said that ordinance is still in effect. Cruz said the grandfather as of December 14, 1994, is still in the ordinance. Beller said nothing built before December 14, 1994, will be affected and Schumpert agreed.

Purcell said whether the ordinance is passed tonight or not, the individual who started this violated the ordinance passed in 1994, knew what he was doing, and that he did not like to tell a person to tear something down, but he was told to stop building and did not, so there was not much compassion for him. He said the person is violating the existing ordinance whether this is passed or not and Cruz agreed.

Cruz said the City Manager is charged by the City Charter to enforce the ordinance and that is what is happening in issuing citations for violation of the code. He said disposition of the violations will be up to the Municipal Judge, and if his ruling is against that person, he may appeal to District Court and he may challenge the validity or constitutionality of the ordinance. Cruz said Council should consider the ordinance on its own merits, without regard to the matter pending in Municipal Court.

VOTE ON MOTION: AYE: Beller, Green, Sadler, Purcell. NAY: Warren, Maples, Shanklin. ABSTAIN: Williams.

Mayor Marley said the motion carried four to three. Cruz said the ordinance fails for lack of five affirmative votes. Mayor Marley said the ordinance fails and the current ordinance remains in effect.

BUSINESS ITEMS:

4. Hold a hearing to consider the appeal of Art Mata regarding the Administrative Order to mow and clear the property at 1753 SW 13th Street. EXHIBITS: LETTER OF APPEAL.

Item had been withdrawn and was not considered.

5. Consider adopting an ordinance amending or repealing Article 26, Chapter 10, Lawton City Code, 1995, relating to charitable car washes, and declaring an emergency. EXHIBITS: ORDINANCE NO. 97-____ (ORDINANCE A TO AMEND; ORDINANCE B TO REPEAL)

Purcell said members had received considerable input since this came up and the original idea was to make an exception to policies for one car wash for one particular organization and that became impossible. The letters and calls from various car washes make valid points. He said the existing ordinance is difficult to enforce, if that can even be done, and it is not being enforced unless someone calls our attention to it. Purcell said some people get permits as they should but the majority do not. He said many car washes are being held not by non-profit organizations, but simply by groups of people. Purcell said if the ordinance is repealed, everyone would be doing what they are doing now. Several car washes indicated they would support true, non-profit organizations by donating one or two car wash bays on a Saturday morning and have it done there, which would keep the sludge and water off the streets. He said he was not sure what time limits should be included.

Purcell suggested the City send a letter immediately to the President of the School Board and the Chief of Staff at Fort Sill concerning the safety problem of both troops and children in the medians and jumping out in front of cars trying to entice people in to get their cars washed. He said that must be stopped before someone is hurt or killed. Warren said he felt the purpose of the ordinance was to stop the water and sludge from being in the streets, and keep children or soldiers from being in the medians and on the corners with placards, so the permitting process was started. He said he was not sure the City needed to be in the car wash permitting business, but did need to enforce water and residue in the streets, and pedestrians in the street. Warren said if someone wants to hold a car wash, they should be able to do that as long as they adhere to the rules that are expected to be followed by everyone else. He said people who own car washes are required to contain their waste and have it properly disposed of, yet we give this group of people a permit to break those laws, which is not right, and it has nothing to do with taking customers away from car washes. He said he did not think having permits was the way to go about this and that they cannot be enforced. Warren said if an officer sees water or people in the streets, he would not have to ask if it was acceptable since they received a permit, and a citation could be issued with no question if those violations are happening. He suggested repealing portions of the ordinance or returning a new ordinance to cover those areas that need to be controlled.

Williams said the local car wash owners make a valid point in that EPA and the Oklahoma Department of Environmental Quality have mandated that they put in very expensive collection systems to capture the sludge, soap and residue that comes off of vehicles that are washed at their facilities. He said the same things are going down the drain from the corner car washes on the weekends, and the City is condoning this pollution element. Williams said if charitable organizations want to have car washes, they should have it in commercial car wash facilities where the waste can be collected as opposed to having it run down the streets.

Shanklin said he thought the school activities would be coming to an end shortly due to new policies at their administration regarding income for outside organizations. He said it is dangerous to have people on the corners and agreed it should be done in an approved place.

Blake Dutcher, attorney for local car wash owners, expressed concern over repealing the existing ordinance and waiting to come back with another one because there would be no control in the interim. He said almost seven years ago, he addressed this issue and the ordinance proposed then was the same with one exception, that being to restrict the so called "charity" car wash. Dutcher presented pictures of groups holding car washes and said it appeared they may have been more interested in raising money for a party than for a charitable organization. He said they suggested then restricting charitable car washes to facilities that are either on that groups site, such as school or church parking lots because they have a right to some degree to do what they want to on their own property, and secondly, to places and locations that are built for this purpose.

Dutcher said seven years ago when he appeared, his clients, the car wash owners, made the commitment then, and have for the last seven years, offered their own bays for charity car washes, and that they would make that same commitment today. He suggested leaving the existing ordinance in place for now, and that his group would participate in developing a new ordinance to restrict these to the locations that have the drains, interceptors, and capabilities of hauling out the mud so everyone is on the same playing field in that regard. Dutcher said that would address the safety and drainage concerns, and the position of the car wash owners who have stood by and watched the so called charity car washes shown in the pictures right next door to their own locations with signs coming on to their property and enticing business and customers away.

Beller asked why the existing ordinance should remain in place if it cannot be enforced. Shanklin said it was only until it can be rewritten. Schumpert said Dutcher's suggestion was to allow organizations to have car washes on

their own premises, or at a car wash facility, and others are prohibited, and bring that to the next meeting.

Purcell said there would be a problem with the new ordinance if something were not included regarding use of facilities owned by non-profit organizations. Dutcher suggested the group be required to obtain a permit, and the host location would be responsible to see that if a group is using their location that they have the permit and that the permit was issued because they are a legitimate charity or non-profit organization. Dutcher said if a burden is placed on the host to make sure they are offering their premises for a legitimate purpose, it would go a long way toward meeting that requirement.

Green suggested the ministers receive similar letters as the school board and Fort Sill.

MOVED by Purcell, SECOND by Green, to table this and come back in the form of an ordinance at the next meeting.

Warren asked who enforces the permits. Schumpert said police are to enforce it if they see people in the medians, so it is 60-70% on the police, but if that is not the problem, it is not monitored unless an inspector happens to be out.

VOTE ON MOTION: AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

6. Consider a request from Lawton Loan & Investment to dedicate to the City of Lawton a 12" water line and easement on the east side of NE 45th Street adjacent to Quail Run Estates. EXHIBITS: LETTER OF REQUEST; LOCATION MAP; MEMO FROM REVENUE SERVICES SUPERVISOR; MEMO FROM PUBLIC WORKS/ENGINEERING DEPARTMENT.

Item had been withdrawn and was not considered.

7. Receive a presentation from the Employee Advisory Committee concerning salaries and fringe benefits for general employees and, if appropriate, take action on requested changes. EXHIBITS: NONE.

Kathy Fanning, Secretary in City Clerks Office, and Vice Chairman of the Employee Advisory Committee, said she was representing the general employees and her presentation is not from just one person or the EAC but that comments from many of the general employees, who are present, are included, so it is the city employees speaking. Presentation was made as follows: Im here tonight to address the 2.5% increase given to the Fire Department. We, the general employees of the City of Lawton, strongly object to this increase. We feel this is unfair and shows favoritism.

We had to practically beg for our mere 1% cost of living increase, then fire gets a 2.5% increase. We realize they are paid considerably more because of their union, but they are the same as general employees when it comes to COLA. We cant do anything about pay rates and unions, but to give them a larger COLA than the general employees is definitely not fair.

The purpose of this communication is not to criticize the Councils negotiations with the fire and police bargaining units nor any agreed settlement defining the terms of their contracts. State law has granted collective bargaining to these types of municipal employees and it would not be productive to discuss the merit of that action. This communication is intended to provide information to the Council regarding the wages and fringe benefits of its general employees and stress the importance of establishing equity in wages in order that general employees may support their families and continue to be productive members of the community.

The mistake made was their job description was considered when approving their increase. This should never be done. Their job description, i.e., the risks taken, have already earned them the higher pay scale and union. Therefore, all job descriptions should not be considered when considering a COLA.

By dividing all city employees into three separate groups, which you do, fire, police and general employees, and you give one group a higher increase than the other two, you are showing the citizens of the community and all city employees that that one group is better than the other two groups. I beg to differ with you.

All city employees, the majority anyway, live in this community; we all pay the same for a loaf of bread, the same for a gallon of milk, rent, house payments, gas, utilities, etc. We all do business with our local business establishments and we all have the same cost of living. The fire are no better than the police or general employees, nor are the general employees or police any better than the fire; we are all equal.

The fire department represents only a handful of city employees, the general employees far out number them. Please understand, we are in no way, underrating the fire; they deserve most of what they receive; the work involved and the risks they take goes without saying; however, their COLA should be equal to all city employees.

In fiscal years 1994 and 1995 the City Council adopted a reclassification plan for general employees that provided for annual 2.5 percent step increases. This particular reclassification plan was revised from its original proposal which indicated that general employees should have annual step increases of 5% to put them on par with other municipal workers in comparable environments. It was recognized when the initial results from the salary survey were received that the City could not afford annual step increases of 5% for approximately 450 general employees, and therefore, the pay plan was revised to scale the steps back to 2.5%. However, the fire and police step increases remained and still is at 5%. Also, in the past, employees have requested an additional vacation day, i.e., Memorial Day, and have not received this but the fire has now received, depending on time served, up to four additional vacation days.

During the fiscal year 1997-98 the Employee Advisory Committee submitted a request for a 3% cost of living adjustment during this fiscal year. The Council in its adopted budget approved a 1% COLA for each of the general employees. It is hoped that upon review of this material the council may reconsider a cost of living increase for the general employees and an additional vacation day.

If it were not for the general employees, there would be a tremendous amount of work and services to the community not done, the City would virtually shut down. Please consider the following: If it were not for water distribution and the water treatment plant, the fire department would not have the water necessary to put out the fires. In addition, the fire plugs would not be in working order. It is water distribution that ensures the fire plugs are in proper working order and performs all necessary maintenance on them. If it were not for field services and the meter readers, there would be no water service to our citizens.

If it were not for the street division, the fire department would not have safe paved streets to drive on. In addition, there would be no street signs to assist them in getting to their emergency calls. If it were not for the E911/Communications division, the fire department would not have someone to take the emergency reports and dispatch the calls. If it were not for code compliance, the fire department would have many more fires than they do now to fight. It is building and permits that ensure all buildings within the city limits are properly wired and maintained for fire protection.

If it were not for payroll, the fire department would not receive their paychecks. If it were not for building and grounds, who would keep up the maintenance on the buildings and grounds of the fire stations. If it were not for the legal department, there would be no legal counsel and no municipal court to enforce the law and collect fines.

There are numerous other services general employees provide that time does not allow me to list but they are just as vital in the operation of the City of Lawton.

Speaking of risking lives, it is important to remember when we had the huge grass fires a couple of years ago, many public works employees were called on to assist the firemen by operating heavy equipment such as the gradall, dozer, backhoes, dump trucks, etc.

As I have stated, these are just a few of many, many examples we can give you. We could go on and on. These examples are not meant to down play the importance of our Lawton Fire Department. They're meant to show you the general employee is just as imperative to the operation as the firemen. It is the general employee that enables the firemen to perform their life saving duties. It is high time that the importance of the general employee is also acknowledged.

Although wages and fringe benefits are not the only reward for doing your job, there are minimum requirements in terms of purchasing power that will support municipal employees and their families. If, in fact, the Council believes that it takes approximately 5% for members of the bargaining units to have reasonable purchasing power to provide for their families then the same should be applicable to general employees. Although general employees have never enjoyed the degree of respect and popularity in our community that our brothers and sisters in the fire and police departments do, it is an undeniable fact that without general employees the city would cease to function.

The general employees of the City of Lawton strongly urge the Council to hear our voice, to show us we are appreciated the same as union employees. Please, don't slap us in the face by showing us we are not as important by giving us a mere 1% increase. We urge the Council to please rectify this injustice; show us your concern, show us you do hear our voices; make all city employees equal; please help us out.

Attached you will find a brief summary of the increases to wages provided to the three types of employees of the City of Lawton. Over the past five years the average of the increases to the wage and fringe benefits of general employees is 3.7% as compared to contract employees who have averaged in excess of 5%. These values do not include the City's contribution to pension plans which are equal to 6.12% for general employees and 13% for members of the bargaining units. It should also be noted that members of the bargaining units are not eligible for the City of Lawton pension plan and have different criteria applicable to the years to qualify for retirement and type of compensation payable by the pensions. (end presentation)

Andy Hargraves said he has been with the City for a little over 25 years and was present to speak in behalf of the general employees. He said the inequities have been there for a long time. Hargraves said when an emergency call comes in at 2 a.m., it is answered by a general employee. Hargraves said the fire will respond by traveling on roads maintained by the street department, and when they get to the fire, they hook the hose to the fire plug and put the fire out, and the newspaper headline is the fire department saves lives, but nothing is ever said about the underlying support. He said at the beginning of each Council meeting, people put their hands on their hearts and say justice for all, and that is what the employees want.

Shanklin said the statement that general employees do not have the same respect as police and fire is in their own minds; the police and fire are glamorous jobs but they still put their lives on the line in a more dangerous situation than some general employees, although he had watched some get in holes and knew that was dangerous also, but there are more fire and police killed in the line of duty than general employees. He said that may not be true, however, over the past five years the average increase to general employees was 3.7% and to the other two groups it was 5%. Shanklin said if we do not take care of the general employees, a union may be thought of and something should be done to provide 2.5 or 3%. He said he would support that even if it had to be on the water bill.

Mayor Marley said he received far more letters of thanks regarding the sanitation division picking up the trash than he did for police or fire.

Warren said he could not favor anything other than what was budgeted this year and intended to vote the same as he did on the fire contract.

Beller said discussion was held during budget sessions, and that he favored bargaining agents and if general employees had one, they would have more than they do now. He said this Council is receptive to the problems stated. Beller said the City Manager instructed the Fire Chief to come up with funding for the raise at the fire department, and perhaps Council should tell the City Manager to come up with the funding for a raise for the general employees. He said if an increase in utilities is needed, it will have to be done, although he said he would not favor that to take care of the infrastructure but could approve it for a raise for the employees.

Schumpert said the funding source indicated shows various divisional accounts. Beller asked if it would be best to have the City Manager bring back the options instead of taking the step tonight and perhaps not go in the wrong direction. Schumpert said the options are the Council Contingency fund or the divisional accounts, or a rate increase, which was resisted throughout the budget process.

Maples agreed general employees should be supported but that she would not support a utility rate increase. She said funding can be identified from other accounts and carry over. Beller asked what the cost would be. Maples said 1% was \$170,000. Schumpert said the funding would be from divisional accounts and the expenses would have to be examined later in the fiscal year.

Purcell said each year his thought had been that the cost of living adjustments should be equal to the police, fire and general employees, and a bind is created when that is not done. He said Council knows about what can be given to the bargaining units and the same should be done for general employees. Purcell said the City Manager has told the fire department to come up with the funds, and if that means a slow down in hiring or whatever, that is how we will have to come up with those funds, and the same thing can be done here. He said a supplemental budget may be needed. Schumpert said it would be spread across all the departments budgets. Purcell said it cannot come from the \$3 rolling stock, and you had to be careful with the equipment accounts. Purcell said some will be generated by the normal hire lag. Maples said she would like to see a minimum of 1.5%, which would bring it to the same level as the fire.

Williams said Council must realize at some point that the only ways for increases are through sales tax or utility rates, and that is not a bad thing. He said the City has tremendous needs and the employees are the largest asset. Williams said mention was made about the roads and water and hopefully the Council will make those corrections in the near future. He said there should be equity within the work groups.

MOVED by Williams, SECOND by Maples, to direct the City Manager, through the departmental budgets, to identify the 1.5% increase at this point for the general employees.

Schumpert asked if consideration would be given to the request for Memorial Day as a holiday. Beller said the cost certainly could not be that prohibitive and Memorial Day appeared to be a proper day to observe. Beller asked that it be included in the motion.

Motion was amended by Williams to include establishing Memorial Day as a fixed holiday for general employees. Beller said he would second the amendment to the motion.

Warren said he did not think there was a difference between the three groups other than the fact the general employees were not paid a comparable wage in the past. He said he hated to see changes made now after the budget has been adopted and suggested general employees seek 5% in next years budget.

SUBSTITUTE MOTION by Warren, to grant nothing now but 5% next year at budget time.

Shanklin said cost of the I & I will have to be addressed at some point in time. He said sales tax will be up due to \$80 million in construction being anticipated. Shanklin said Mays sales tax was up \$150,000 and that goes into the 1997 budget and not a carry over from 1996. He said Junes receipts are in last years. Shanklin said he did not want to be limited to 1.5%. Schumpert said 1% was already included so this would bring it to 2.5% plus the grade.

Mayor Marley said the substitute motion is guidance for the City Manager because the commitment cannot be made now. Warren said he would support the 1% now but was concerned that during budget the Council took money from the departments and the raise would reduce funding further. Warren said he wanted to see the raise given but hated to see it be done at the expense of the things people said were needed in the departments. Warren said he would withdraw the substitute motion.

VOTE ON MOTION AS AMENDED: AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

Schumpert asked if the 1.5% is to be retroactive to July 1 and response was yes.

Changes approved by Council are incorporated in Resolution No. 97-110.

(Title only) RESOLUTION NO. 97-110

A RESOLUTION APPROVING MODIFICATIONS AND REVISIONS TO THE CITYS EXISTING GENERAL PAY PLAN; PROVIDING FOR LIMITATIONS; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING RESOLUTION NO. 97-82.

8. Consider adopting an ordinance amending Section 17-162, Lawton City Code, 1995, as amended by Ordinance 97-26, relating to holidays and declaring an emergency. EXHIBITS: ORDINANCE NO. 97-42.

MOVED by Beller, to approve Ordinance No. 97-42, waive the reading of the ordinance, reading the title only, and declaring an emergency.

Purcell said Paragraph C on Page 33 requires amendment by adding Memorial Day as an additional fixed holiday; other language will reflect six fixed holidays instead of five. Beller agreed to the amendment.

Maples seconded the motion as amended.

(Title read by Clerk) ORDINANCE NO. 97-42

AN ORDINANCE RELATING TO PERSONNEL POLICIES, AMENDING SECTION 17-162, CHAPTER 17, LAWTON CITY CODE, 1995, AS AMENDED BY ORDINANCE 97-26, RELATING TO HOLIDAYS AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

9. Consider an amendment to a contract between the City of Lawton (Lender) and Iris E. Lindsay, A Single Person (Borrower), to subordinate the Citys mortgage on her property at 2324 Lincoln, and take other appropriate action. EXHIBITS: LETTER.

Schumpert said staff recommendation is to allow a second mortgage, but for the City to occupy the first loan position; amortized balance is \$1,023.00 although no payments are received on the loan. Warren said the participants enter into agreements and should fulfill the terms of the agreements.

MOVED by Green, SECOND by Williams, to approve the request as submitted by Ms. Lindsay to subordinate the Citys position on the mortgage. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Maples. NAY: Warren. MOTION CARRIED.

10. Consider adopting a resolution approving the issuance of revenue notes or bonds not to exceed \$300,000 by the Lawton Economic Development Authority for the benefit of Arrow Sign Company, Inc., and waiving competitive bidding on the sale of said notes or bonds. EXHIBITS: RESOLUTION 97-104; LEDA RESOLUTION.

MOVED by Shanklin, SECOND by Beller, to approve Resolution No. 97-104. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-104

A RESOLUTION AUTHORIZING THE LAWTON ECONOMIC DEVELOPMENT AUTHORITY (HEREIN THE

"AUTHORITY") TO ISSUE CERTAIN OBLIGATIONS AS ARE HEREIN FULLY DESCRIBED AS IS REQUIRED BY THE PROVISIONS OF 60 O.S. SECTION 176(d) AND WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SUCH OBLIGATIONS AS IS REQUIRED BY 60 O.S. 176(e).

11. Consider adopting an ordinance amending Sections 10-102 and 10-108, Chapter 10, Lawton City Code, 1995, relating to contracts. EXHIBITS: ORDINANCE NO. 97-43.

Purcell said he brought this back after Council had discussed it earlier and that liquidated damages did not cause some projects to be done on time. Shanklin asked if liquidated damages are being enforced and Purcell said yes. Shanklin said it will work in time. Purcell said it has not worked in some cases.

MOVED by Purcell, SECOND by Beller, to adopt Ordinance No. 97-43, waive the reading of the ordinance, read the title only.

Shanklin said liquidated damages are included and this appeared to be double jeopardy by not allowing the firm to bid on the next job. Purcell said it does not say firms cannot bid but says that consideration can be given to the fact that a firm has had liquidated damages four times in the last two years, so the firm may not be awarded the job even though they are the low bidder, because it needs to be done in a timely manner.

Williams asked if the Council currently has that ability. Cruz said yes, and this does not debar a firm who has paid liquidated damages, but it includes six criteria the Council may consider in awarding a public construction contract. Shanklin said it may cut down on the number of firms that would respond in the future, and asked if Ihler felt it would be beneficial.

Ihler said the Council already has this ability so he did not see a benefit to engineering. Schumpert said he thought it was beneficial to the potential bidder or contractor to have an idea of what would be considered in looking at a bid, and felt the six criteria were helpful to show how the bids would be compared. Shanklin said members do not want to be lobbied by the second or third low bidder because the lowest bidder had paid liquidated damages.

Purcell said many projects have been late and an inconvenience is caused to the public. He said it did not matter that \$300 or \$500 per day was being charged for liquidated damages; certain companies will build liquidated damages into the bid price. Purcell said the 34th Street water line was a good example, and this will tell prospective bidders what Council will consider in the bid award.

Shanklin said Ihler did not feel it was that beneficial and that it would cut down on the number of responses received on RFPs. Williams said he thought it would be beneficial to contractors to understand that it was not necessarily the low bid for the only consideration in the bid award, but bidders could be ranked by other factors also. Maples said staff members are hired on various factors, such as education and experience, and this gives more criteria to consider in bid awards.

Ihler said he is not opposed to adding this and that the contractor would be aware this will be considered.

(Title read by Clerk) ORDINANCE NO. 97-43

AN ORDINANCE RELATING TO CONTRACTS, AMENDING SECTIONS 10-102 AND 10-108, CHAPTER 10, LAWTON CITY CODE, 1995, AMENDING DEFINITIONS AND BID AWARD PROCEDURES, ENACTING CRITERIA FOR AWARDING OF BIDS AND PROVIDING FOR SEVERABILITY.

VOTE ON MOTION: AYE: Purcell, Beller, Green, Warren, Maples, Williams, Sadler. NAY: Shanklin. MOTION CARRIED.

12. Consider approving a renewal agreement between the City of Lawton and the Office of Juvenile Affairs and approve an agreement between the City and Marie Detty Youth Services Center to continue development, implementation and maintenance of a community intervention center in Lawton. EXHIBITS: RENEWAL AGREEMENT; REPORT OF CIC ACTIVITY.

Schumpert said Paul Smith is present from Marie Detty Youth Services Center and Leslie Watts who is the manager of the CIC. He said the CIC was started in May and we did not have the ability to spend all the money allocated in the first year. Schumpert said Smith submitted a request for \$118,000 this year; actual request was \$180,000; contract is for \$210,179, which is broken into two parts. He said the \$80,000 is a carry over by the Office of Juvenile Affairs for last years contract toward the expense of building the facility. \$130,179 was allocated for this year and a letter will be sent stating this is \$50,000 short of the need, hoping to receive those funds. Schumpert said information was provided showing processing time for youth and that the time an officer is off the street has significantly been reduced.

MOVED by Maples, SECOND by Williams, to approve the item. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

13. Consider setting aside funds for Centennial Celebration for the City of Lawton. EXHIBITS: NONE.

Mayor Marley said he requested this item. The Centennial Celebration is about four years away, and suggested Council set aside funds from the Council Contingency and that he would request a match from McMahon Foundation. He said informal discussions had been held on this and that he had asked that Bill Baker take care of this on the City's part; several persons have asked to be on a committee and it will take some work to get it started. Mayor Marley said the Finance Director could set up an account for this purpose, and if the funds are not spent, they would be still in place for use.

Warren asked if \$20,000 was the amount suggested. Mayor Marley said he originally thought \$10,000, but the amount could be discussed.

MOVED by Shanklin, SECOND by Williams, to set aside \$25,000 from Council Contingency.

Mayor Marley said funds could be set aside in future budgets if so approved during those years. Green said Tulsa is having its Centennial Celebration and ideas may be picked up at the OML Conference. Mayor Marley said the Oklahoma Tourism Bureau may also contribute, as well as citizens, and if the funds are not needed, they would be returned to general fund.

VOTE ON MOTION: AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

14. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file friendly suits for the claims over \$400.00: Troy and Cindy Gurmond, by and through their agent, Scoggins Realty; Southwestern Bell Telephone (two claims); Barbara and Hugh Carothers; and Sherene L. Williams. EXHIBITS: LEGAL OPINIONS/RECOMMENDATIONS. (RESOLUTION NOS. 97-105 AND 97-106 ON FILE IN CITY CLERKS OFFICE) Gurmond: \$154.50; Southwestern Bell Telephone: \$332.33; Carothers: \$140.97.

(Title only) RESOLUTION NO. 97-105

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST SOUTHWESTERN BELL TELEPHONE COMPANY IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF ONE THOUSAND, SIX HUNDRED SIXTY-NINE DOLLARS AND 25/100S (\$1,669.25).

(Title only) RESOLUTION NO. 97-106

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST SHERENE L. WILLIAMS IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF ONE THOUSAND, THIRTY-THREE DOLLARS AND 50/100S (\$1,033.50).

15. Consider approving an amendment to a retainer agreement with the Lytle, Soule and Curlee law firm removing the cap on the maximum allowable legal and expert witness fees. EXHIBITS: NONE. Action: Approve amendment to retainer agreement. (Total final billing: \$14,056.62)

ITEM 16 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

17. Consider approving a resolution providing a free fishing day at Lake Ellsworth for City employees and their families in conjunction with the Sixth Annual City of Lawton Employee Picnic to be held Saturday, September 20, 1997. EXHIBITS: RESOLUTION NO. 97-107.

(Title only) RESOLUTION NO. 97-107

A RESOLUTION DECLARING SATURDAY, SEPTEMBER 20, 1997, AS FREE FISHING DAY FOR CITY EMPLOYEES AND THEIR FAMILIES AT LAKE ELLSWORTH.

18. Consider adopting a street light resolution to authorize installation and removal of additional street lights in residential areas. EXHIBITS: STREET LIGHT RESOLUTION 397. Action: Approval of item.

19. Consider a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as amended, removing the exception for hotels, motels and rooming houses from the Business, Commercial and Governmental fee schedule. EXHIBITS: RESOLUTION NO. 97-108.

(Title only) RESOLUTION NO. 97-108

A RESOLUTION AMENDING APPENDIX A, SCHEDULE OF FEES AND CHARGES, LAWTON CITY CODE, 1995, AS AMENDED, REMOVING THE EXCEPTION FOR HOTELS, MOTELS AND ROOMING HOUSES FROM THE

BUSINESS, COMMERCIAL AND GOVERNMENTAL FEE SCHEDULE.

20. Consider approving the record plat for Crown Pointe Addition and accepting the improvements, maintenance bond, two utility easements outside the platted area, and money in lieu of park land dedication. EXHIBITS: PLAT MAP. (MAINTENANCE BOND AND EASEMENTS ON FILE IN CITY CLERKS OFFICE) Action: Approve the record plat for Crown Pointe Addition and accept the improvements, the maintenance bond in the amount of \$22,605.00, two utility easements outside the platted area, and \$2,328.00 in lieu of park land dedication.
21. Consider entering into a contract with Mr. Mark S. Glenn for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. EXHIBITS: NONE. Action: Approval of item.
22. Consider awarding contract for demolition of 1703 NW Taylor Avenue (rear structure). EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Forney Enterprises, Inc. and authorize execution.
23. Consider awarding contract for clip shelving open units. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Documation, Inc. and authorize execution.
24. Consider awarding contract for library shelving units. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Documation, Inc. and authorize execution.
25. Consider rejecting bids for low power portable radio equipment. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Reject bids.
26. Consider awarding contract for computers and printers. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Dyna Micro and authorize execution.
27. Consider awarding contract for rental of cleaning supplies. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Western Uniform & Towel Service and authorize execution.
28. Consider awarding contract for water clarification chemicals. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to NTU Technologies, Inc. and authorize execution.
29. Consider awarding contract for sodium silicofluoride. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Central Garden & Pet Company and authorize execution.
30. Consider awarding contract for fire wall system. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to On Technology Corp. and authorize execution.
31. Consider awarding contract for bakery products. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Earthgrains Baking Company and authorize execution.
32. Consider awarding contract for pebble quicklime. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Global Stone St. Clair and authorize execution.
33. Consider approving the assignment of building materials. EXHIBITS: CURRELL LUMBER COMPANYS LETTERS DATED 8/7 AND 8/15/97; COMANCHE HOME CENTERS LETTER DATED 8/14/97. Action: Approve assignment of contract with Currell Lumber Company to Comanche Home Center.
34. Consider approval of payroll for the period of August 25 through September 7, 1997. EXHIBITS: NONE.

Purcell asked for separate consideration of Item 16.

MOVED by Shanklin, SECOND by Warren, to approve the Consent Agenda items as recommended with the exception of Item 16. AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

16. Consider approving Change Order No. 1 for "K" Avenue and NW 34th Sewerline Project 97-9 with Dobbs Washita Construction, Inc. EXHIBITS: LOCATION MAP. (CHANGE ORDER NO. 1 ON FILE IN CITY ENGINEERS OFFICE) Change Order is to replace 1,100 LF of collapsed sewer line at estimated cost of \$80,000, and add 30 calendar days.

Purcell asked if the contractor was on time in completing the work at this point with the original project. Ihler said yes, and 30 days are proposed to be added for the additional work.

MOVED by Purcell, SECOND by Green, to approve Change Order No. 1 as recommended. AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

35. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to consider a subrogation settlement offer received in a third party claim by Damion Hart against Clentis Eliff, and take appropriate action in open session. EXHIBITS: NONE.

MOVED by Shanklin, SECOND by Williams, to convene in executive session as recommended by the legal staff and shown on the agenda. AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 8:05 p.m. and reconvened in regular, open session at 8:10 p.m. with all members present upon roll call.

Cruz reported the Mayor and Council met in executive session to discuss Item 35 as shown on the agenda. He recommended adoption of a resolution authorizing settlement of the third party claim by Damion Sean Hart.

MOVED by Williams, SECOND by Green, to approve Resolution No. 97-109. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-109

A RESOLUTION APPROVING AND AUTHORIZING SETTLEMENT OF A THIRD PARTY CLAIM BY DAMION SEAN HART.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Shanklin said on Wednesday, September 3 at 10:30 a.m. at the State Capital Building, there will be a meeting on weed abatement and asked who planned to attend. Schumpert said he, Dan Tucker, although Tucker is currently in the hospital with a heart condition and should be released Friday, and the City Clerk. Williams asked what was hoped to be accomplished. Shanklin said to try to influence the committee that will pass legislation which will give each individual municipality the authority to address their weed and trash abatement problems. Shanklin said he wanted to be able to do it in five days, take a picture of it, and after we have taken the picture and sent a letter, the property is cleaned and the cost placed on the ad valorem taxes so the City will get its money. Mayor Marley said the key is where they place the charges. Shanklin said he did not want to have to wait 30 to 60 days to get them cleaned up.

Shanklin asked the status of the I & I from EPA. Schumpert said a consent order was received from DEQ, and it appears EPA is stepping aside or not going to issue a separate consent order, and the consent order is for phasing. There are three phases, and a detailed time schedule is shown for the first phase. The consent order will be on the next Council agenda for approval. At the second meeting in September, funding options will be presented for phase one which goes to 2003.

Shanklin asked about the landfill and grass clippings. Schumpert said Ihler had been concentrating on the consent order but that he would be presenting a briefing on options for trash pick up. Maples said she recently returned from California where each resident is provided three cans, one blue, one brown and one green; green is for lawn clippings, brown is for trash, and blue is for glass and plastics that can be recycled. Different trash is picked up on different days of the week, and it is separated at the landfill. She said Duncan provides separate cans for its residents. Shanklin said some people have 30-40 bags of grass clippings. Schumpert said there are many ways to approach the situation, and that Fort Sills recycling program is currently unable to get rid of the glass but was making money on the paper recycling. Warren said the best option is the most expensive which is co-composting, which has been considered previously.

Purcell said the appeal on the administrative order was withdrawn. He asked if tickets can be issued under the new ordinance. Cruz said yes. Purcell asked if the appeal for the ticket is to appear before the Municipal Judge and Cruz said yes.

Schumpert asked that a date be set for a special Water Authority meeting as was discussed previously. Date was set for September 4 at 4:00 p.m. in the Council Chambers.

Purcell said the Board Review Committee will meet on Monday, September 8 at 4:00 p.m.

There was no further business and the meeting adjourned at 8:20 p.m.